

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Milbank School District
Accountability Review - Monitoring Report 2012-2013

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Dates of On Site Visit: January 24-25, 2013

Date of Report: February 14, 2013

All non-compliance must be corrected within 1 year of this report date. Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

24:05:25:03.04. Evaluation procedures -- **Notice.** The school district shall provide notice to the parents of a child with a disability, in accordance with this article, that describes any evaluation procedures the district proposes to conduct.

24:05:25:04.03. Determination of eligibility. Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, and shall determine the educational needs of the child, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include: (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

(a) To advance appropriately toward attaining the annual goals; (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

ARSD 24:05:27:01.02. Development, review, and revision of individualized education program. In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student. The individualized education program team also shall:

- (1) In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior;

24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or
 - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (2) A statement of measurable annual goals, including academic and functional goals, designed to:
 - (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
 - (b) Meet each of the student's other educational needs that result from the student's disability;

For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;

- (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student:
 - (a) To advance appropriately toward attaining the annual goals;
 - (b) To be involved and progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
 - (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;
- (4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;
- (5) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:
 - (a) The student cannot participate in the regular assessment; and

(b) The particular alternate assessment selected is appropriate for the student;

(6) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;

(7) A description of how the student's progress toward the annual goals described in this section will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

(8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include:

(a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and

(b) The transition services (including courses of study) needed to assist the student in reaching those goals; and

Corrective Action:

Prong 1 : Correct each individual case of noncompliance

Timeline for Completion: (50) calendars day from the report date listed above.

Student:	Required Action:	Data To Be Submitted:
Student File # 1: This student was reported on the child count under the category of Speech/Language (550) for articulation. The justification statement did not use accept or reject format for a preschool student.	The team will meet and amend the IEP to show a correct justification statement.	<ol style="list-style-type: none"> 1. Copy of the meeting notice 2. Copy of the amended IEP 3. Copy of prior notice for meeting

Prong 1 : Correct each individual case of noncompliance

Timeline for Completion: (50) calendars day from the report date listed above.

Student:	Required Action:	Data To Be Submitted:
Student File # 2: This student was reported on child count under the category of Specific Learning Disability (525) for oral expression. The	The IEP team will meet and amend the IEP to show direct instruction broken down into specific skill areas in the areas of disability.	<ol style="list-style-type: none"> 1. Copy of the meeting notice 2. Copy of the amended IEP 3. Copy of prior notice for meeting

description of services addressed math instruction, but no oral expression.		
Date Data Submitted: Status:		

Prong 1 : Correct each individual case of noncompliance**Timeline for Completion: (50) calendars day from the report date listed above.**

Student:	Required Action:	Data To Be Submitted:
Student Files # 3: This student was reported on child count under the category of Specific Learning Disability (525) for oral expression and written expression. There was no specialized instruction in the description of services for written expression or oral expression.	The IEP team will meet and amend the IEP to show direct instruction broken down into specific skill areas in the areas of disability.	<ol style="list-style-type: none"> 1. Copy of the meeting notice 2. Copy of the IEP 3. Copy of prior notice for meeting
Date Data Submitted: Status:		

Prong 1 : Correct each individual case of noncompliance**Timeline for Completion: (50) calendars day from the report date listed above.**

Student:	Required Action:	Data To Be Submitted:
Student File # 7 This student was reported on child count under the category of Emotional Disturbance (505). No observation was completed for this student and the services are not broken down. In the area of transition services did not address educational/training or independent living.	An observation will be completed on this student. The IEP team will meet, review the observation information and amend the IEP to show services in the area of disability, and transition services in each area.	<ol style="list-style-type: none"> 1. Copy Permission to evaluate. 2. Copy of the meeting notice 3. Copy of the amended IEP 4. Copy of prior notice for meeting.
Date Data Submitted: Status:		

Prong 1 : Correct each individual case of noncompliance**Timeline for Completion: (50) calendars day from the report date listed above.**

Student:	Required Action:	Data To Be Submitted:
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Student File # 8: This student was reported on child count under the category of Other Health Impaired (555). A diagnosis was not pulled forward or found. There were no behavior strengths listed in the Present Levels of Academic Achievement and Functional Performance (PLAAFPs). Services were not broken down to show educational benefit for the disability.	The IEP team will meet pull the diagnosis forward to show eligibility and amend the IEP for services.	<ol style="list-style-type: none"> 1. Copy Permission to pull forward diagnosis. 2. Copy of the meeting notice 3. Copy of the amended IEP 4. Copy of prior notice for meeting.
Date Data Submitted: Status:		

Prong 1 : Correct each individual case of noncompliance**Timeline for Completion: (50) calendars day from the report date listed above.**

Student:	Required Action:	Data To Be Submitted:
Student File # 10: This student was reported on child count under the category of Emotional Disturbance (505). There was no documentation of serious behavior problems over a long period of time. There were no behavior strengths listed in the Present Levels of Academic Achievement and Functional Performance (PLAAFPs).	The district must meet and determine if there was documentation of a serious behavior problem over a long period of time. A report of the behaviors will be written to show eligibility. Strengths will be added for behaviors in the PLAAFPs.	<ol style="list-style-type: none"> 1. Copy of the meeting notice 2. Copy of the documentation to show serious behavior problems over a long period of time. 3. Copy of the amended IEP to show strengths in behavior 4. Copy of prior notice for meeting

Date Data Submitted:

Status:

Prong 1 : Correct each individual case of noncompliance**Timeline for Completion: (50) calendars day from the report date listed above.**

Student:	Required Action:	Data To Be Submitted:
Student File # 13: This student was reported on child count under the category of Orthopedic Impairment (535). There was no diagnosis found of a Chronic/Acute Health Problem. Services were not broken down to show educational benefit.	The IEP team will meet pull the diagnosis forward to show eligibility and amend the IEP for services.	<ol style="list-style-type: none"> 1. Copy Permission to pull forward diagnosis. 2. Copy of the meeting notice 3. Copy of the amended IEP 4. Copy of prior notice for meeting.

Date Data Submitted:

Status:

Prong 1 : Correct each individual case of noncompliance

Timeline for Completion: (50) calendars day from the report date listed above.

Student:	Required Action:	Data To Be Submitted:
Student File # 15: This student was reported on child count under the category of Hearing Loss (515). A Language evaluation is required for determining eligibility and was not completed. In the PLAAFs there was no parent input and services did not address oral expression or listening comprehension. Reading is addressed in the services; however there is no reading strengths or needs mentioned in the PLAAFs. The South Dakota School for the Deaf Outreach services did not state times.	A language evaluation will be completed and a report written. The PLAAFs will show parent input and the services will be configured to show direct instruction in the areas affected by the disability.	<ol style="list-style-type: none"> 1. Copy Permission to evaluate. 2. Copy of the meeting notice 3. Copy of the amended IEP 4. Copy of prior notice for meeting.
Date Data Submitted:		
Status:		

Prong 1 : Correct each individual case of noncompliance

Timeline for Completion: (50) calendars day from the report date listed above.

Student:	Required Action:	Data To Be Submitted:
Student File # 16: This student was reported on child count under the category of Cognitive Delay (510). Transition services did not list Measurable Post-Secondary Goals and there was no Course of Study.	The team will meet and develop Measurable Post-Secondary Goals and a Course of Study.	<ol style="list-style-type: none"> 1. Copy of the meeting notice 2. Copy of the amended IEP 3. Copy of prior notice for meeting
Date Data Submitted:		
Status:		

Prong 1 : Correct each individual case of noncompliance

Timeline for Completion: (50) calendars day from the report date listed above.

Student:	Required Action:	Data To Be Submitted:
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Student File # 21: This student was reported on child count under the category of Cognitive Disability (510). In the area of transition there was no course of study for this student.	The team will meet and develop a course of study for this student.	<ol style="list-style-type: none"> 1. Copy of the meeting notice 2. Copy of the amended IEP 3. Copy of prior notice for meeting
Date Data Submitted: Status:		

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.

Required Action:

The district must review and update its policy, procedure and practice regarding the following:

- Defining the team who will determine if evaluation is necessary and determination of suspected category(s) of disability.
- Individuals responsible for the completion of prior notice/consent and evaluations needed for the purpose of determining eligibility.
- Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment.
- Determining eligibility and completing the eligibility documents.
- Developing an IEP that provides educational benefit.

The district will receive technical assistance regarding these issues noted in this report.

Data To Be Submitted:

Each teacher who was the case manager for these students will submit an initial or reevaluation with the following documentation:

1. Referral document if applicable
2. The prior notice/consent for evaluation
3. Copies of all the evaluation reports including skill based assessment and transition if applicable
4. Copy of the prior notice for the eligibility/IEP meeting/transfer
5. Copy of the MDT/eligibility document and;
6. Copy of the IEP

The training date, instructor and participants will be documented and submitted to the team leader to verify technical assistance was provided.

Target Date for Completion: January 2014

Date - Status Report:

State Performance Plan - Indicator 3: Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grad level standar4ds; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

Annual Performance Report Activity – Conduct an accommodation study to verify IEP teams are providing instructional accommodations if they are also providing those accommodation on statewide assessments.

Prong 1: Correct each individual case of noncompliance

Through a review of student files, data gathered by the team indicated accommodations/modifications were not consistently provided, used for instruction during the assessment administration or documented appropriately.

Student:	Required Action:	Data To Be Submitted:
# 8, 23, 30	Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance. Activity/Procedure: 1. The district will review current policy/procedure to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Train IEP staff and testing coordinator in the procedures/process. 4. Implement procedures and collect data to verify accommodation are appropriately documented and provided during state/district assessments.	The district will collect and submit to SEP the following data: 1. Written description of the districts review process to identify why the discrepancies are occurring. 2. Written description of the process the district will implement to correct the discrepancies. 3. Training documentation to include the date staff training occurred, name of individual who provided the training and sign-in sheet with the names of all participants/position titles, who attended the training.
Timeline for Completion: May, 2013		

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**Required Action:**

Implement policy/procedure/practice identified in Prong #1.

Data To Be Submitted:

Data submitted for Prong #1 is used to verify correction.

Target Date for Completion: January 2014**Date - Status Report:**

State Performance Plan – Performance Indicators

Milbank School District

Indicator 2: Dropout Rate: Percent of youth with IEPs dropping out of high school.

State Target 3.31% or lower

District Rate: _____ **0%** _____

District Response:

The Milbank School District has implemented ICU (Intensive Care Unit). The ICU program does not allow students to fail but instead works with students to complete academic assignments and pass their academic courses.

In addition, the high school special education teacher and the counselor serve as mentors to students on IEP's at Milbank High School. They meet with students on a regular basis to talk about missing assignments, current grades in courses and the number of credits completed for graduation.

C) Did the district meet the proficiency target for the subgroup of students with disabilities in the statewide assessment? No

Grades K –8

State Target 69% or higher

District Rate: 36.21%

District Response:

The Milbank School District is currently implementing I Pads and I Pad carts in the elementary school and Chromebooks and Chromebook carts in the middle school. The district believes that the increased use of technology in reading and content areas will assist students in improving their reading skills.

The Milbank School District has also implemented intervention groups in grades K -5. The intervention groups allow for targeted instruction with students in areas they are experiencing difficulty.